

BARBARA LEE
9TH DISTRICT, CALIFORNIA

COMMITTEES:
FINANCIAL SERVICES
Subcommittee on
Housing and Community Opportunity
Subcommittee on
International Monetary Policy and Trade

INTERNATIONAL RELATIONS
Subcommittee on Africa
Subcommittee on Europe



Congress of the United States
House of Representatives
Washington, D.C. 20515-0509

July 8, 2002

REPLY TO OFFICE CHECKED

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Congressional Liaison
U.S. Food and Drug Administration
Dockets Management Branch
5600 Fishers Lane-Room 1061-HFA-305
Rockville, MD 20852

RE: Docket Number 02P-0166/CP1

Dear Sir or Madam:

My constituent, Mr. Avi Klammer, has requested my assistance regarding a petition he filed with the Food and Drug Administration, referenced above. Enclosed, please find information which explains the situation.

Mr. Klammer is eager to see business practices changed so that canned food is more thoroughly regulated. Specifically, he finds that canned foods are not regularly labeled with expiration dates, allowing for less than fresh, and potentially hazardous, food to be sold to consumers. Mr. Klammer states that he himself once fell victim to food poisoning because of this lack of regulation. At this time, Mr. Klammer wonders as to the status of his petition.

I would appreciate it if you would investigate and comment on these concerns at your earliest opportunity. Please forward your correspondence in care of my Staff Assistant, Amber Maltbie, in my Oakland district office.

Thank you for your attention to this matter.

Sincerely,

Barbara Lee
Barbara Lee
Member of Congress

BL:am
Enclosure

02P-0166

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DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

FILE COPY

April 19, 2002

Auishalom Klammer
176-15th St. #206
Oakland, CA 94612-4328

Dear Mr. Klammer:

Your petition requesting the Food and Drug Administration to consider issuing a mandatory & uniform regulation stipulating that all food products manufacturers should be printed clear, legible & intelligible product expiration date, was received by this office on 04/16/02. It was assigned docket number 02P-0166/CP1 and it was filed on 04/16/02. Please refer to this docket number in future correspondence on this subject with the Agency.

Please note that the acceptance of the petition for filing is a procedural matter in that it in no way reflects an agency decision on the substantive merits of the petition.

Sincerely,

Helen K. Harris
Dockets Management Branch

02P-0166

ACK1

Maltbie, Amber

From: Hoffman, Charles D [DHOFFMAN@ORA.FDA.GOV]
Sent: Thursday, June 27, 2002 1:01 PM
To: 'Israeli@citycom.com'



02p-0166_ack0001_v
ol1.pdf

Mr. Klammer:

A copy of the response letter to your petition is attached, as a pdf file.

<<02p-0166_ack0001_vol1.pdf>>

The Dockets Management Branch may be able to tell you about the status of your petition, which was given docket number 02P-0166/CP1.

The Dockets Management Branch can be reached:

by phone: 301-827-6860

by fax: 301-827-6870

by e-mail: fdadockets@oc.fda.gov or,

by mail: Food and Drug Administration
Dockets Management Branch
5630 Fishers Lane - Room 1061- HFA-305
Rockville, MD, 20852

As I mentioned in my phone message, it seems quite likely that legislation would be required to give FDA the authority to require expiration dating of foods.

CD Hoffman FDA San Francisco District

Maltbie, Amber

From: Avishalom Klammer [israeli@citycom.com]
Sent: Sunday, June 23, 2002 9:23 PM
To: Maltbie, Amber
Subject: Our Phone Conversation-Enclosed Copy of E-Mail Reg. FDA Petitioned Issue

Dear Amber:

Thank you for our phone conversation as of Friday, June 21, 2001. Please see enclosed is a copy of my E-Mail to Congresslady Ms. Barbara Lee (which I have E-Mailed twice & to which I have failed to receive any E-Mailed written or phone confirmation/update- despite my having contacted your office twice before, overt the phone.

Your taking care of this issue as well as of informing me as to what I should expect (what the Congresslady can & will do to help rectify the situation) is GREATLY appreciated!

P.S: after having petitioned the FDA- I have been informed that it is a matter of legislation more than anything else (which is beyond the ability of the FDA to resolve).

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Dear Congresslady Ms.Lee:

Please see my enclosed petition to the FDA concerning Food Product Expiration Date. My petition with this agency was received & issued the following Docket Number: 02P-0166/CP1.

I have been contacted by this agency & informed by them that they can/may issue a new regulation but only under a currently existing law! Since, however, there is NO current law pertaining this issue, I have decided to address this issue to you, in the hope that your kind & understanding involvement in the matter will result in the legislation of the appropriate law in this regard.

Your invaluable time dedicated to reading my E-MAIL, reviewing, considering it as well as fighting for the appropriate legislation in this matter is highly appreciated!

With many warm thanks,

Yours sincerely,

Avishalom Klammer

*) the following enclosure is a copy of my letter to the FDA:

Avishalom Klammer
176-15th St. # 206
Oakland, CA 94612-4328
(510) 834-1242/israeli@citycom.com

April 5, 2002

RE: Canned Foods Expiration Date-Petition

Dear Sir/Madam:

A very long time ago, I have encountered a grave problem and finally decided to act upon rectifying it, by means

of logging onto your WebSite and finding out all the relevant information on how to submit a petition to

you-such as the one I am submitting to you here.

I kindly request that the FDA consider issuing a mandatory and uniform regulation stipulating that ALL Food

Product Manufacturers (whether local or from overseas-via a local importing source) should print a CLEAR,

LEGIBLE & INTELLIGIBLE Product Expiration Date on ALL the products sold in the U.S. (in the commonly-accepted & recognized standards, stating the following: the month, the day & the year or the same

information preceded by the statement: "use until >DATE" or good for use until>DATE!").

If a certain food product is imported into the U.S.-it should be made clear to the overseas manufacturer then (via

the local importing source) that the afore- mentioned printing of an Expiration Date on a product is a required

U.S. procedural standard. This may or may not require that the overseas manufacturers make the necessary

adaptations at their end to comply.

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Currently, an infinite number of stores shelf products the Expiration Date of which is marked in an

unintelligible & indecipherable manner (in a form of a code consisting of a series of numbers with or without

letters and sometimes even smudged) and if you do not believe me (or if it is necessary) check your local

stores or otherwise-I will mail to you PLENTY of samples from local stores-as proof!).

This intolerable situation has led to a point where a lot of stores take advantage of the currently lax Product

Expiration Date regulation by selling generally unfresh food products (and particularly canned foods which

have been shelved for too long!). I am now quite aware of this situation because it was I who on one account

has already become sick of Food Poisoning & on several other accounts been "burnt out" by buying products

which were so spoiled to taste that I had to toss them in the garbage altogether.

Sometimes, buying canned food products may even be somewhat rusty or corroded (due to long "sitting"

period) where they end up being sold to another clearinghouse store, for a cheaper price, which then in turn,

turns to sell them to their customers at what it defines as a "Bargain or Saving Value".

I have learnt my lesson but what about the public? Those who may fall into the same trap of buying a product

which should have been REMOVED from the shelves a long time ago? Why should they have to learn it the

HARD way, too, like I have? Where is what is called: "Public Safety", "Public Protection" or "Decent

Consumerism"? And what about an incredible number of Law Suits which can be filed on these grounds?

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I am appalled that nobody has ever given the matter some thought (or if they have-it has never led to any

concrete solution to this problem!). The current situation clearly poses a HEALTH HAZARD to the public &

brazenly implies its DECEIT!!!

Based on your response to this petition, I shall decide on my future course of action. If I find it to be unsatisfactory, I shall have to resort to involving some people in the U.S. Legislative Echelon as well as certain

Consumer Advocating Organizations and finally: the media!

Lastly, I hereby declare that to the best of my knowledge, this petition includes all the necessary information

relevant to the petition (unless I am advised by you to submit evidence which I could & would do but please

keep in mind-we are referring to a common daily nationwide practice which you yourselves can easily

witness-if you look for it!

I am looking forward to your earliest response eagerly,

Sincerely,

Avishalom Klammer

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-0509

PUBLIC DOCUMENT

OFFICIAL BUSINESS

Barbara Lee
M.C.

Congressional Liaison
U.S. Food and Drug Administration
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Rockville, MD 20852



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